

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

CAMERON ROGERS	:	
	:	
Plaintiff	:	
	:	
v.	:	Civil Action No.
	:	
PHOENIX TRAMPOLINE PARK	:	Notice of Removal from the Circuit
MANAGEMENT, LLC, ET. AL	:	Court for Fairfax County, Virginia
	:	
Defendants	:	State Court Case No. 2019-08431

NOTICE OF REMOVAL

COME NOW, Defendants, Phoenix Trampoline Park Management, LLC and Phoenix Trampoline Fun Centers, LLC, and pursuant to 28 U.S.C. § 1441(a) respectfully file the within Notice of Removal of the above-captioned matter to this Honorable Court from the Circuit Court for Fairfax County, Virginia, based on diversity of citizenship and as grounds therefor, states as follows:

1. On or about June 18, 2019, Plaintiff, Cameron Rogers, commenced the above captioned civil action by filing a Complaint in the Circuit Court for Fairfax County against these Defendants. A true and correct copy of Plaintiff's Complaint is appended hereto as Exhibit 1. Service was never made as undersigned counsel accepted service of process and waived service of process. This Notice of Removal is timely as it is being filed within 30 days of Defendant first learning of the Complaint naming it as a Defendant and within one year of the commencement of the action.

2. Pursuant to 28 U.S.C. §§ 1441 and 1332, complete diversity of citizenship exists and is established as follows:

- a. Plaintiff is a resident of Loudoun County, Virginia;¹
- b. Defendant Phoenix Trampoline Park Management, LLC is a Tennessee limited liability company with its principal place of business in Knox County, Tennessee;
- c. Defendant Phoenix Trampoline Fun Centers, LLC is a Tennessee limited liability company with its principal place of business in Knox County, Tennessee;
- d. Both Phoenix Trampoline Park Management, LLC and Phoenix Trampoline Fun Centers, LLC are solely owned by Phoenix Theaters Entertainment, LLC, which is a Tennessee limited liability company with its principal place of business in Knox County, Tennessee;
- e. Phoenix Theaters Entertainment, LLC, is owned by Philip Zacheretti, Tammie Zacheretti, Robert Franklin, and Patricia Franklin.
- f. Philip Zacheretti and Tammie Zacheretti are natural persons and both reside in London County, Tennessee.
- g. Robert Franklin, and Patricia Franklin are natural persons who reside in Osceola County, Florida.

5. That Plaintiffs seek in excess of \$75,000.00 in their Complaint exclusive of costs and attorney's fees.

6. By reason of the foregoing, this matter may be removed to this Honorable Court pursuant to 28 U.S.C. § 1441.

7. A copy of the Notice of Filing Petition for Removal issued to the Clerk of the Circuit Court for Fairfax County, Virginia is appended hereto as Exhibit 2.

8. This Notice of Removal will be served on Counsel for Plaintiff pursuant to 28 U.S.C. § 1441(d).

¹ Upon information and belief Plaintiff is a student at Macalister College, located in Ramsey County, Minnesota.

9. This Notice of Removal is filed within thirty (30) days of when federal diversity was first established, and within one (1) year of when the lawsuit was originally filed.

10. Defendant, through counsel, presents and files herewith a check in the amount of \$400.00 in payment of the filing fee, as required by law.

WHEREFORE, Defendants, Phoenix Trampoline Park Management, LLC and Phoenix Trampoline Fun Centers, LLC, respectfully requests that this action be removed from the Circuit Court for Fairfax County to this Honorable Court.

Respectfully submitted,

PHOENIX TRAMPOLINE PARK
MANAGEMENT, LLC and PHOENIX
TRAMPOLINE FUN CENTERS, LLC

By counsel,

DeCARO, DORAN, SICILIANO,
GALLAGHER & DeBLASIS, LLP

/s/ James S. Liskow
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this this 20th day of June, 2019, a copy of the foregoing Notice of Removal was efiled and mailed, first-class, post-prepaid, to:

Julie M. Porto, Esquire
Aneta Nikolic, Esquire
BLANKINGSHIP & KEITH, P.C.
4020 University Drive
Suite 300
Fairfax, VA 22030

/s/ James S. Liskow

James S. Liskow

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